



PROCEDURAL BY-LAW

BY-LAW No. 28 – 2017

A By-Law to adopt a procedure for governing the calling, place and proceedings of meetings of council, council committees and boards of council of The Corporation of the Municipality of Morris-Turnberry

This by-law is printed under and by authority
of the Council of the Municipality of Morris-Turnberry

Adopted by Council: April 4th, 2017
Effective Date: April 4th, 2017

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“Being a By-law to adopt a procedure for governing the calling, place and proceedings of meetings of council, council committees and boards of council of The Corporation of the Municipality of Morris-Turnberry”

WHEREAS Section 238 of the Municipal Act, 2001, S .O. 2001, Chapter 25, as amended, provides that every Council shall adopt a procedure for governing the calling, place and proceedings of meetings;

AND WHEREAS Section 8 of the Municipal Act, 2001, S .O. 2001, Chapter 25, as amended, guarantees that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

NOW THEREFORE, COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY HEREBY ENACTS AS FOLLOWS:

1) SHORT TITLE

1.1 This By-Law shall be known as "The Procedural By-Law" for The Corporation of The Municipality of Morris-Turnberry.

2) DEFINITIONS

2.1 The following definitions shall apply to this By-law:

“Agenda” means the written Order of Business.

“By-law” means a law or regulation in a form approved by Council for the purposes of giving general effect to a decision or proceeding of Council.

“Chair” shall mean the Mayor or the presiding officer of a meeting.

"Clerk" shall mean the Clerk of The Corporation of The Municipality of Morris-Turnberry, or a person delegated by the Clerk.

"Closed Session" shall mean a meeting or part of a meeting of Council, a Council Committee, a Communications Meeting, or a Local Board and its Committees, not open to the public in accordance with the Municipal Act, 2001, S .O . 2001, Chapter 25, as amended.

"Council Committee" shall mean a Committee established by Council.

"Committee" shall mean any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of one or more councils or local boards;

"Committee-of-the-Whole" shall mean a Committee composed of all of the members of Council.

"Council" shall mean the Council of The Corporation of The Municipality of Morris-Turnberry, consisting of six (6) members, voted ' at large' .

"Council-In-Committee" shall mean all members of Council sitting as a Committee-of-the-Whole during a regular, emergency or special meeting of Council, to deal with business matters.

"Corporation" shall mean The Corporation of the Municipality of Morris-Turnberry.

"Mayor" shall mean the Head of Council and Mayor of the Municipality of Morris-Turnberry.

"Meeting" shall mean any Regular, Special, Communications or other meeting of Council, its Committees, or its local boards called for the purpose of exercising the power or the authority of Council, its Committees or its local boards.

"Member" shall mean a member of Council, its Committees or its local boards, and shall include the Mayor.

"Motion" shall mean a Resolution of Council or a Recommendation of a Committee that is under debate by Council or a Committee.

"Pecuniary Interest" means a direct or indirect pecuniary (monetary) interest with the meaning of the Conflict of Interest Act, RSO 1990 Chapter M. 50, as amended.

"Point of Order" means a statement made by a Member during a meeting, drawing to the attention of the Chair:

1. Any breach of the Rules of Order of Council; or
2. Any defect in the constitution of any meeting of the Council; or
3. The use of improper offensive or abusive language; or
4. Notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
5. Any other informality or irregularity in the proceedings of Council.

"Presentation" means the occurrence when staff, an individual or group have been invited to present information to Council or a Committee.

"Presiding Officer" means the Mayor, Deputy Mayor or a person appointed by the Members present at a Council Meeting in the event the Mayor and Deputy Mayor are not in attendance within five (5) minutes after the hour appointed for the Council meeting.

"Point of Privilege" means the raising of a question, which concerns a Member of Council collectively, when a Member believes that his or her rights, immunities or integrity of Council as whole has been impugned.

"Public Meeting" shall mean a public meeting as defined under the Municipal Act or another Act where Council has a requirement to hold a public meeting.

"Quorum" shall mean a majority of the whole number of Members required to constitute a Council.

"Recorded Vote" shall mean the recording of the name and vote of every member voting on any matter or question during a Council meeting.

"Rules of Procedure" shall mean the rules and regulations provided in this By-Law.

"Two-thirds majority vote" shall mean a vote where at least two-thirds (2/3) of the members present and eligible to vote, vote in the affirmative.

3) GENERAL RULES

- 3.1 The rules and regulations contained in this By-Law shall be observed in all proceedings of Council, Council Committees and Local Boards and shall be the rules and regulations for the order and dispatch of business in Council, Council Committees and Local Board meetings.
- 3.2 The rules contained in the By-Law shall be observed, with necessary modifications, by every Local Board and Council Committee.
- 3.3 Those proceedings of Council, or the Local Boards or Council Committees thereof not specifically governed by the provisions of this By-Law shall be regulated in accordance with Robert's Rules of Order.
- 3.4 Any part or parts of this By-law may be suspended by a vote with the consent of two-thirds majority of the Council, committee or local board members present, unless the part(s) is prescribed by statute or law.
- 3.5 In the absence of the Mayor, or if he/she is absent through illness or refuses to act, or if the Office is vacant, the Deputy Mayor for the purposes of this By-Law

shall act in the place and stead of the Mayor and shall have all the rights, powers and authority of the Mayor, while so acting.

3.6 Only 'Members of Council', or 'Officers of the Corporation', shall be allowed within the floor of Council during meetings without the approval of the Mayor.

3.7 The Ward system has been dissolved by By-law No. 73-2012 and replaced by an 'At Large' System for Electoral Representation'.

4) COUNCIL MEETINGS

4.1 Inaugural Meeting:

The Inaugural Meeting shall be held on the first Tuesday in December following a Regular Municipal Election at 5 pm or as otherwise authorized by the Council.

4.2 Open Meetings:

All meetings of Council, its committees and local boards must be open to the public. Meetings or parts of meetings may be closed to the public pursuant to the provisions of the Municipal Act, Section 239 and this By-law.

4.3 Location:

Meetings of Council shall be held in the Council Chambers of the Municipal Building located at 41342 Morris Road, RR 4, Brussels, unless otherwise decided by Resolution of Council or specified elsewhere in this By-Law.

4.4 Alter Time, Day or Place:

Council may, by Resolution, alter the time, day or place of any Council and/or Council Committee Meeting.

4.5 Postponement of Meetings:

Any regular meetings of the Council may be postponed to a day named in:

- a) A notice by the Mayor or the Deputy Mayor given through the Clerk's Office and two clear days in advance of the regular meeting;
- b) A resolution of Council passed by the majority of members; or,
- c) A notice by the Clerk or Mayor upon verbal request to the Clerk or Mayor by a majority of members on the day of the meeting, due to inclement weather or emergency.

4.6 Regular Meetings:

(a) Regular Meeting Schedule:

Regular Council meetings of Council shall be held in the Council Chambers on the first and third Tuesdays of each month at 7:30 pm, and shall stand adjourned at 10:30 p.m.; however, business may be continued upon a Resolution passed by unanimous vote either during open council or during a closed portion of the meeting.

(b) When the Regular Meeting is Scheduled for a Public Holiday
And where such Tuesday may be a holiday, the Council shall meet on the business day next following the regular day of the meeting and at the same time specified above, or as provided by council resolution.

4.7 Special Meetings:

1. The Head of Council may at any time summon a Special Meeting of Council with adequate notice to the Members of Council,
2. Upon receipt of the petition of the majority of the Members of the Council, the Clerk shall summon a Special Meeting for the purpose and at the time mentioned in the petition.
3. Notice of all Special Meetings of Council shall be given to the Members through the Clerk's office. The only business to be dealt with at a Special Meeting is that which is listed in the notice of the meeting.

4.8 Public Statutory Meetings:

During regular Council meetings all Public Statutory Meetings of Council shall convene at 7:30 p.m. in the Municipal Office, or at a specified time during a Special Meeting as prescribed by Council on its Notice of Meeting.

4.9 Accessibility: The Municipality will attempt to remove any barriers for the Members of Council, Staff and Public, for access to the meetings and audio and visual needs, upon request.

5) DEPUTY MAYOR POSITION:

5.1 The Deputy Mayor shall be chosen as follows:

5.1 The qualifications that must be satisfied for a member of council to act in the place of the head of council is the following:

a) The member shall be the one who polled the largest number of votes in the last regular election. If the member does not wish to be appointed as 'Deputy Mayor' the following procedure will apply.

5.2 As in the case of an acclamation or if the member with the largest number of votes, does not wish to assume the position, the Deputy Mayor position will be open to all council members except the Mayor, and a person or persons shall be nominated by members of council.

5.3 The vote shall be conducted by the clerk with secret ballot, ballots will be received from all members of council.

5.4 In the event of a tie vote, the ballot will be chosen by lot. The first name drawn shall be the member to be named as 'Deputy Mayor'.

5.5 A motion of council to confirm the appointment will be required.

6) RULES OF DEBATE IN COUNCIL:

6.1 The Presiding Officer shall preserve order and decorum and decide questions of order subject to an appeal to the Council by any member.

6.2 Where procedural matters of Council or Committees of Council are not governed by the Municipal Act, Municipal Conflict of Interest Act or provisions of this bylaw, resort should be had to Bourinot's Rules of Order as a rule for guidance on the question.

6.3 Point of Order

a) When a Member rises to a point of order, the Member shall ask leave of the Presiding Officer to raise a point of order, and after leave is granted, shall state the point of order to the Presiding Officer. The Presiding Officer shall then state and decide the point of order.

b) Thereafter, a Member shall only address the Chair for the purpose of appealing to the Council from the Presiding Officer's decision.

c) If no Member appeals, the decision of the Presiding Officer shall be final.

d) The Council, if appealed to, shall decide the question without debate and its decision shall be final.

6.4.1 Point of Personal Privilege

A Member may raise at any time, with the consent of the Presiding Officer, a point of personal privilege, for the purpose of drawing the attention of Council to the matter. When any point of personal privilege arises it shall be taken into consideration immediately.

7) PUBLIC NOTICE OF MEETINGS/AGENDAS

- 7.1 Where notice is required to be given under the Municipality's Notice By-law No. 79-2007, no business shall be brought before Council without first providing the prescribed form of notice.
- 7.2 The published Agenda shall be considered as adequate notice of Regular Meetings of Council and its Council Committees, except for meetings held on a day or at a time other than as provided for by this By-Law.
- 7.3 The Agenda for Regular Meetings shall be delivered to the Mayor and members not later than forty-eight (48) hours prior to the meeting. The complete paperless agenda package will be available not less than forty-eight (48) hours prior to the meeting, for each municipal council member, on the secured password protected Municipal website.
- 7.4 Notice and Agendas of Special Meetings called in accordance with Section 7.7 of this By-Law shall be available prior to the meeting not later than forty-eight (48) hours before the hour appointed for the special meeting.
- 7.5 No business except the business dealing directly with the purpose mentioned in the Notice shall be transacted at any Special Meeting.
- 7.6 Notwithstanding any other provision of this By-Law, an Emergency Meeting may be held without written Notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the members about the Meeting as soon as possible and in the most expedient manner available.
- 7.7 No business except business dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.

- 7.8 Lack of receipt of a Notice or of the Agenda by the members shall not affect the validity of the Meeting, or any action taken thereat, except where prescribed by the Municipality's Notice By-law No. 79-2007.
- 7.9 A complete copy of the published Agenda shall be posted on the Municipality's website for members of the news media and the public at least forty-eight (48) hours prior to the scheduled meeting.
- 7.10 The Meeting Schedule of Regular Council Meetings, shall be published on the Municipal website or a local newspaper with a one week notice period.
- 7.11 Agendas, including all public attachments, shall be made available through the Clerk's Office after distribution to the Members of Council for viewing and will be posted on the Municipal website and bulletin board and copies can be procured through the Clerk's Office.
- 7.12 Accessibility: The Municipality will attempt to remove any barriers for the provision of the Council meeting notice and agenda package. Alternate Formats of the material shall be available upon request.

8) COMMUNICATIONS AND PETITIONS

- 8.1 Every communication or petition intended for presentation to Council or to a Council Committee shall be legibly written or printed and shall be signed by at least one person, giving his/her address, and filed with the Clerk or Recording Secretary.
- 8.2 The deadline for receipt of communications or petitions by the Clerk for inclusion on the Agenda shall be noon, on the Thursday prior to the Regular Meeting of Council.
- 8.3 Communications and petitions addressed to the Mayor and Council shall either be listed on the Agenda or included in a Council Information Package.
- 8.4 All Resolutions received from other municipalities shall be distributed, for information purposes, to the members of Council in a Council Information Package.
- 8.5 A Council Information Package will be provided to Council members on a bi-weekly basis for all regular meetings and as required for special meetings.

- 8.6 Any member of Council may ask the Clerk to place any communication, petition or Resolution that is included in the Council Information Package on the next Regular Meeting Agenda of Council.
- 8.7 Communications or petitions containing obscene or defamatory language shall not be listed on the Agenda or a Council Information Package, but shall be held by the Clerk and may be directed to the police for investigation upon direction of the Mayor.

9) DEPUTATIONS

- 9.1 For the purpose of advancing the business of Council, persons desiring to verbally present new information on matters of fact or make a request of Council shall contact the Clerk to make a timed deputation at Council, subject to Section 9.2 to 9.7.
- 9.2 A written brief outlining the subject matter of the presentation shall be provided to the Clerk at the time of the request to appear and shall clearly state the nature of the business to be discussed, by Thursday noon prior to the meeting.
- 9.3 Deputations not providing sufficient notice may be heard at the discretion of a majority of members of Council present.
- 9.4 Deputations, at regular and special council meetings, shall be limited in speaking to not more than ten (10) minutes in total per person, per group or per organization. A delegation consisting of five or more members will be limited to two (2) speakers.
- 9.5 Notwithstanding Sections 9.1, 9.2, 9.3 and 9.4, deputations appearing before Council at Public Meetings are not limited to time constraints or notification requirements.
- 9.6 Council may refuse to hear Deputations when, in the opinion of Council, the subject of the presentation is beyond the jurisdiction of the Municipality.
- 9.7 No person will be permitted to address Council with respect to a specific personal issue, nor will a brief respecting such issue be listed on a Council Agenda. A written brief by any person with respect to personal issues may be forwarded to the Clerk for consideration by Closed Session.
- 9.8 No person will be permitted to address Council relating to any current litigation matters of which the Municipality is a party to the proceedings.
- 9.9 Council may solicit comments from the gallery on specific issues, on request through the chair;

10) CLOSED MEETINGS:

- 10.1 Except as provided in this Section, all meetings shall be open to the public.
- 10.2 The Mayor or other presiding Officer may expel any person for improper conduct at a Meeting.
- 10.3 A Meeting or a part of a Meeting may be closed to the public if the subject matter being considered is:
- a) The security of the property of the municipality or local board;
 - b) Personal matters about an identifiable individual, including municipal employees or local board members;
 - c) A proposed or pending acquisition or disposition of land by the municipality or local board;
 - d) Labour relations or employee negotiations;
 - e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - f) The receiving of advice that is subject to solicitor-client privilege; including communications necessary for that purpose;
 - g) A matter in respect of which the Council, Board or Committee may hold a closed meeting under the authority of another Act;
 - h) Related to the consideration of a request under the Municipal Freedom of Information and Protection of Personal Privacy Act, as Council is designated as head of the institution for the purposes of that Act.
- 10.4 A meeting or part of a meeting of the Council, Board or Committee may be closed to the public if the following conditions are both satisfied:
- a) The meeting is held for the purpose of educating or training the members, and
 - b) At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council or Committee.
- 10.5 For the purposes of Section 10.4 above, the following actions are considered to materially advance the business or decision making of the Council, Board or Committee:
- a) Structured or unstructured debate
 - b) Adoption of recommendations or options.
- 10.6 For the purposes of section 10.4 above, the following actions are considered not to materially advance the business or decision making of the Council, Board or Committee:
- a) Brainstorming and listing of potential options for consideration by staff and Council
 - b) Conducting group problem identification and analysis

- c) Receiving staff or council member briefings on new or emerging topics
 - d) A technical briefing to relate background information necessary to assist in future decision making.
- 10.7 Before holding a Meeting or part of a Meeting that is to be closed to the public, Council shall state by Resolution:
- a) The fact of the holding of the Closed Meeting, and the time the closed meeting commenced
 - b) The general nature of the matter to be considered at the Closed Meeting
 - c) In the case of a meeting under Section 10.4, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that Section.
- 10.8 A Meeting shall not be closed to the public during the taking of a vote except where:
- a) Subsection 10.3 or 10.4 permits or requires a Meeting to be closed to the public; and,
 - b) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee or persons retained by or under contract with the municipality or local board.
- 10.9 All deliberations while in Closed Session shall remain confidential unless otherwise approved by Council in Open Session. The Mayor or Chair will report out the time that the closed portion of the meeting ended, and any results at the conclusion of the closed portion of the meeting, including if any directions or instructions were given to officers, employees or agents of the Municipality.

11) ORDER OF PROCEEDINGS, AGENDAS & MINUTES

11.1 Council Agendas:

- a) The Clerk or his/her designate shall prepare the Agenda for all Regular Council Meetings consisting of the following Order of Business :
 - 1. Meeting Called to Order
 - 2. Agenda Update
 - 3. Disclosures of Pecuniary Interest & The General Nature Thereof
 - 4. Approval/Amendment of the Public and Regular Council Meeting Minutes
 - 5. Approval of Accounts
 - 6. Public Meetings
 - 7. Deputations / Delegations

8. Staff Reports
9. Business - Unfinished Business
- New Business
10. Councillor and Committee Reports
11. Mayor and Councillor Questions and Comments
12. Receiving Communications- Correspondence an Local Board and Committee Minutes
13. By-laws and Agreements
14. Other Business
15. Break – Comfort break approximately 5 minutes
16. Question Period – Current Meeting’s Business- Council Discretion
17. Council-in-Committee (Closed Session under Section 239)
18. Council in Committee (Closed Session) Reports
19. Confirming By-Law
20. Adjournment

b) At each duly constituted Regular Meeting of Council, the Minutes of the preceding Regular Meeting, Public Meeting and any Special Meeting shall, unless otherwise decided by the Council, be submitted for adoption, and after they have been received by the majority of the members present, with any errors or omissions noted, shall be signed by the Mayor and Clerk.

c) The business of each Meeting shall be taken up in the order in which it stands in the Agenda, unless otherwise decided by a majority vote of the members present.

d) The Mayor may change the order of business, if required, for timing issues.

11.2 Minutes

a) The municipality or local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not. The minutes shall be made by a clerk, in the case of the meeting of council, or an appropriate officer, in the case of a meeting of a local board or committee.

b) Minutes of the Council or Committee, whether it is closed to the public or not, shall record:

- 1) The date of the meeting;
- 2) The record of the attendance of the members;
- 3) Disclosures of pecuniary Interest and the general nature thereof;
- 4) The reading, if requested, correction and adoption of the minutes of prior meeting(s);
- 5) All resolutions and decisions;

- 6) All the other proceedings of the meeting without note or comment;
 - 7) Time of call to order, time of adjournment and time in and out of camera or Committee meeting;
 - 8) A list of other business items discussed.
- c) If the minutes have been delivered to the members, then the minutes will not be read. The Mayor after receiving any errors or omissions reported by members will request a motion to adopt the Minutes.
- d) After the minutes have been adopted they will be signed by the Mayor and by the Clerk.

12) COMMENCEMENT OF MEETINGS

- 12.1 A quorum shall be a majority of the members constituting the Council.
- 12.2 As soon after the hour fixed for a Meeting as a Quorum is present, the Meeting shall be called to order by the Mayor.
- 12.3 If there is no quorum present within fifteen (15) minutes after the time appointed for the Meeting, the Council shall stand adjourned until the date and time of the next Regular or Special Meeting and the Clerk shall record the names of the members present upon such adjournment.
- 12.4 The Mayor, if present, shall preside at all meetings.
- 12.5 In the absence of the Mayor, the Deputy Mayor shall preside during the Meeting or until the arrival of the Mayor.
- 12.6 In the absence of the Mayor and the Deputy Mayor, the Clerk shall call the Meeting to order fifteen (15) minutes after the hour appointed for the Meeting, and the members shall appoint a Member by resolution to preside during the Meeting or until the arrival of the Mayor or the Deputy Mayor.
- 12.7 If at any meeting the number of members is reduced to less than a quorum, subject to the provisions of the Municipal Conflict of Interest Act, the Council meeting shall stand adjourned.

13) ROLE OF THE MAYOR

- 13.1 It is the role of the Mayor as the Head of Council:
 - a) To Act as Chief Executive Officer of the Municipality;
 - b) To preside over Council meetings so that its business can be carried out efficiently and effectively;
 - c) To provide leadership to Council;
 - d) To represent the municipality at official functions; and,
 - e) To carry out the duties of the Head of Council under any Act.

- 13.2 As Chief Executive Officer of the Morris-Turnerry, the Head of Council shall:
- a) Uphold and promote the purposes of the Municipality;
 - b) Promote public involvement in the Municipality's activities;
 - c) Act as the representative of Morris-Turnberry both within and outside the municipality and promote the Municipality locally, nationally and internationally; and,
 - d) Participate in and foster activities that enhance the economic, social and environmental well-being of the County and its residents.
- 13.3 When presiding over Council meetings, the Head of Council shall:
- a) Open the meeting of Council by taking the chair and calling the members to order;
 - b) Announce the business before the Council in the order in which it is to be acted upon;
 - c) Receive and submit, in the proper manner, all motions presented by the members of Council;
 - d) Put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, noting a yes or no, and to announce the result; the mayor shall have the opportunity to vote, in the same manner as all other members of council;
 - e) Decline to put to vote motions that infringe the rules of procedure;
 - f) Restrain the members, within the rules of order, when engaged in debate;
 - g) Enforce on all occasions the observance of order and decorum among the members;
 - h) Call by name any member persisting in breach of the rules of order of the Council, thereby ordering him or her to vacate the Council Chamber;
 - i) Receive all messages and other communications and announce them to the Council;
 - j) Authenticate, by his or her signature when necessary, all by-laws, resolutions, and minutes of the Council;
 - k) Inform the Council, when necessary or when referred to for the purpose, on a point of order or usage;
 - l) Represent and support the Council, declaring its will, and implicitly obeying its decision in all things;
 - m) Ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
 - n) Adjourn the meeting when the business is concluded;
 - o) Adjourn the meeting without question, in the case of grave disorder arising in the Council Chamber.

14) ROLE OF COUNCIL

14.1 It is the role of Council:

- a) To represent the public and consider the well-being and interests of Morris-Turnberry;
- b) To develop and evaluate the policies and programs of Morris-Turnberry;
- c) To determine which services Morris-Turnberry provides;
- d) To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e) To ensure the accountability and transparency of the Municipality's operations, including the activities of the Senior Management Team;
- f) To maintain the financial integrity of the Municipality; and,
- g) To carry out the duties of Council under any Act.

15) RULES OF CONDUCT

15.1 No Member shall:

- a) Speak disrespectfully of the reigning sovereign, or any of the Royal Family, or of the Governor-General, the Lieutenant Governor, or any person administering the government of the Dominion of Canada, the Province of Ontario or of The Corporation of the Municipality of Morris-Turnberry.
- b) Use indecent, offensive or insulting language.
- c) Speak on any subject matter other than the subject in debate.
- d) Disobey the rules of the Council Code of Conduct or a decision of the Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council;
- e) Disturb the Council by any disorderly conduct.
- f) Use municipal property, services and other resources.
- g) Interfere with the work of staff or department heads for day to day operations of the Municipality.
- h) Work in conjunction with lobbyists.

And the Member shall:

- h) Provide for Disclosure of gifts and benefits received by submission of a written statement, as set out in Schedule 'A", hereby attached.
- i) Maintain confidentiality of information. A Confidentiality declaration must be signed and submitted to the Clerk.
- j) Adhere to the harassment and violence policy.
- k) Adhere to all council policies and procedures.

- 15.2 A Member shall not disobey the rules of the Council or a decision of the Mayor or of the Council on points of order or on the interpretation of the rules of procedure of the Council.
- 15.3 A Member shall not leave his/her seat or make any noise or disturbance while a vote is being taken or until the vote is declared.
- 15.4 A Member shall not interrupt a Member who is speaking, except to raise a point of order or a question of privilege.
- 15.5 In the event that a Member persists in a breach of the Rules of this By-Law, after having being called to order by the Mayor, the Mayor shall put the question "Shall the Member be ordered to leave his/her seat for the duration of the Meeting?" and such question is not debatable.
- 15.6 If the Council decides the questions set out in Section 15.5 of this By-Law in the affirmative by a majority vote of the members present, the Mayor shall order the member to leave his/her seat for the duration of the Meeting.
- 15.7 If the Member apologizes, the Mayor, with the approval of the Council, may permit the Member to resume his/her seat.

16) RULES OF DEBATE

- 16.1 The Mayor shall preside over the conduct of the Meeting including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meeting, subject to an appeal to the Council.
- 16.2 The Mayor may answer questions and comments in a general way without leaving the chair, but if he/she wishes to make a Motion or to speak on a Motion taking a definite position and endeavoring to persuade the Council to support that position, then he/she shall first leave the chair and address Council from the podium. The Mayor shall address presentations and if any member wishes to address a presenter, they must speak through the chair.
- 16.3 If the Mayor desires to leave the chair for the purpose of taking part in the debate or for any other reasons, the Deputy Mayor will sit in his/her place until he/she resumes the chair.

- 16.4 Before a Member may speak to any matter, he/she shall first be recognized by the Mayor or Chair.
- 16.5 When two or more members indicate simultaneously that they wish to speak, the Mayor shall name the Member who is to speak first.
- 16.6 When a Member is speaking to a Motion, he/she shall confine his/her remarks to the Motion and in speaking shall be limited to a maximum of five (5) minutes, unless otherwise decided by a majority vote of the members present.
- 16.7 A Member shall not speak more than twice to any Motion unless otherwise decided by a majority vote of the members present, except the Member who made a motion who shall be allowed to reply for a maximum of five (5) minutes.
- 16.8 When a Motion is under debate, a Member may ask a concisely worded question of another member or a staff member through the Mayor, prior to the Motion being put to a vote by the Mayor.
- 16.9 A member may require the Motion under debate to be read at any time during the debate, but not so as to interrupt a member who is speaking.
- 16.10 No member shall speak more than once on an item of business until every member who desires to speak, has spoken.

17) QUESTIONS OF PRIVILEGE AND ORDER

- 17.1 If a Member believes that his/her rights, privileges or integrity or those of the members collectively have been prejudicially affected, he/she shall ask leave of the Mayor to raise a question of privilege which shall take precedence over all other matters, but he/she shall not be permitted to enter into any argument or introduce any Motion related to the question of privilege.
- 17.2 When the Mayor considers that the integrity of Administrator Clerk-Treasurer or municipal staff has been impugned or questioned, the Mayor may permit the Administrator Clerk-Treasurer or staff member to make a statement to the Council.
- 17.3 When a Member desires to call attention to a violation of the Rules of Procedure, he/she shall ask leave of the Mayor to raise a point of order and after leave is granted, he/she shall state the point of order to the Mayor succinctly and the Mayor shall then decide upon the point of order and advise the members of his/her decision.
- 17.4 Unless a Member immediately appeals the Mayor's decision to the Council, the decision of the Mayor shall be final.
- 17.5 If the decision of the Mayor is appealed to the Council, then the question "Shall the ruling of the Chair be sustained?" shall be put immediately without debate and its result shall be final.
- 17.6 When the Mayor calls a Member to order, that Member shall cease speaking until the point of order is dealt with and that Member shall not speak again to the matter under discussion without the permission of the Mayor unless to appeal the ruling of the Mayor.

18) MOTIONS

- 18.1 All new motions shall be submitted orally or in writing. Written motions will be signed by the Mover and Secunder and filed with the Clerk. Oral motions shall be restated by the Chair or the Clerk before debate or a vote.
- 18.2 Any member of Council may give notice of intent that he or she will introduce a Motion the next or a subsequent meeting of Council to introduce a new matter, initiate any measure to make any change in the Council's established policy. The giving of notice requires no Secunder and is not at that time debatable.

- 18.3 All Notices of Motion shall be in writing, signed by the Mover and filed with the Clerk.
- 18.4 Notices of Motions filed with the Clerk shall be directed to the next Regular Council Meeting unless otherwise noted.
- 18.5 Any Motion may be introduced without notice if the Council without debate, dispenses with notice on the affirmative vote of at least two-thirds of the members present and voting.
- 18.6 Motions shall be seconded before being debated or put to a vote.
- 18.7 Every Motion shall be deemed to be in the possession of the Council for debate after it is accepted by the Mayor, but may, with the permission of the Council, be withdrawn at the joint request of the Mover and Seconder at any time before the Motion is disposed of.
- 18.8 When a Motion is under debate, no other Motion shall be in order except a Motion:
- a) To adjourn;
 - b) To proceed beyond curfew;
 - c) To table;
 - d) To call the question (close the debate);
 - e) To postpone to a certain time (defer);
 - f) To refer;
 - g) To amend.
- 18.9 A Motion to adjourn shall:
- a) Not be amended;
 - b) Not be debated;
 - c) Not include qualifications or additional statements; and,
 - d) Always be in order except when a Member is speaking or the members are voting or when made in Committee-of-the-Whole.
- 18.10 When a Motion to adjourn has been decided in the negative, no further Motion to adjourn shall be made until after some subsequent proceeding has taken place.
- 18.11 The Council shall always adjourn when there is no business before them or at curfew if in session at that hour, unless otherwise decided before that hour by a majority vote of the members present at the Meeting to go beyond that hour.
- 18.12 A Motion to proceed beyond the hour of curfew shall:
- a) Not be amended;
 - b) Not be debated; and,
 - c) Shall always be in order, except when a Member is speaking or the members are voting.

18.13 A Motion to table shall:

- a) Not be amended;
- b) Not be debated;
- c) Apply to the main Motion and any amendments thereto under debate at a time when the Motion to table was made;
- d) Not include qualifications or additional statements.

18.14 If a Motion to table is decided in the affirmative by a majority vote of the members present, then the main motion and any amendments thereto shall be removed for the Council's consideration until such time as a notice of motion to lift the matter from the table is filed with the Clerk. A Motion to take from the table is not debatable or amendable.

18.15 A Motion to call the question (close the debate) shall:

- a) Not be amended;
- b) Not be debated;
- c) Apply to the Motion or amendment under debate at the time when the Motion to put the question is made;
- d) Not be received in any Committee;
- e) Be moved using the words "That the question now be called."

18.16 If a Motion to call the question is decided in the affirmative by a majority vote of the members present, then the preceding Motion or amendment shall be voted on immediately without further debate or comment.

18.17 A Motion to refer a matter under consideration to a Committee or the Administration or elsewhere shall:

- a) Be open to debate;
- b) Be amendable; and,
- c) Preclude amendment or debate of the preceding Motion, unless the Motion to refer is resolved in the negative, in which case the preceding Motion shall be open to debate and amendment.

18.18 A Motion to amend shall:

- a) Be open to debate;
- b) Not propose a direct negative to the main Motion;
- c) Be relevant to the main Motion; and
- d) Not be further amended more than once.

18.19 A Motion to postpone to a certain time (defer) shall:

- a) Be open to debate;
- b) Be amendable; and
- c) Preclude amendment or debate of the preceding motion, unless the motion to Postpone to a certain time is resolved in the negative, in which case the preceding motion shall be open to debate and amendment

18.20 When the Council amends a proposed zoning or re-zoning By-Law after the holding of a Public Meeting as required by The Planning Act, the Council shall immediately vote on the question of whether or not any further notice is to be given in respect of the proposed By-Law, as amended.

18.21 The question of whether or not any further notice is to be given shall be amendable and debatable.

18.22 The proposed zoning or re-zoning By-Law, as amended, shall not be introduced and enacted until the question of whether or not any further notice is to be given has been resolved.

19) VOTING PROCEDURES

19.1 A motion to amend an amendment to a Motion shall be voted on first.

19.2 Voting on the main Motion and amending Motions shall be conducted in the following order:

- a) A Motion to amend a Motion to amend the main Motion;
- b) A Motion (as amended or not) to amend the main Motion;
- c) The main Motion (as amended or not).

19.3 When the Motion under consideration contains two distinct propositions, upon the request of any Member, the Mayor or Chair shall divide the question and the vote upon each proposal shall be taken separately.

19.4 A Motion shall be put to a vote by the Mayor immediately after all members desiring to speak on the Motion have spoken in accordance with Section 19.7 of this By-Law.

- 19.5 After a Motion is put to a vote by the Mayor or Chair, no Member shall speak on that Motion, with the exception of the Mayor or Chair who may speak following a recorded vote or upon breaking a tie, after the result of the vote is announced by the Mayor or Chair. No other motion shall be made until after the result of the vote is announced.
- 19.6 Every Member of Council present at a Council Meeting when a question is put shall vote thereon, except where he/she is disqualified to vote by reason of a pecuniary interest or is absent from the Council Chamber when the question is put.
- 19.7 Every Member of Council who is not disqualified from voting by reasons of a declared pecuniary interest shall be deemed to be voting against the Motion if he/she declines or abstains from voting.
- 19.8 All votes shall be by show of hands, except when a Recorded Vote is requested. The manner of determining the decision of the Council on a Motion shall not be by secret ballot or by any other method of secret voting.
- 19.9 The Mayor shall announce the result of every vote after requesting both a yes and nos. Upon the taking of any vote, if all of the members present when the vote is taken vote unanimously, the Mayor may direct the Clerk to record the vote accordingly.
- 19.10 If a Member disagrees with the number of votes for and against a Motion as announced by the Mayor, he/she may object immediately to the Mayor's declaration and, with the consent of the Council, the vote shall be re-taken.
- 19.11 When there is a tie vote on any Motion, it shall be deemed to have been decided in the negative.
- 19.12 When called for by any Member or when required by law, a Recorded Vote shall be taken by the Clerk, in random order and the results declared by the Clerk.
- 19.13 A Member may call for a Recorded Vote immediately prior to or immediately after the taking of the vote. A member may request a recorded vote on any question and when a members requests a recorded vote, each member present unless otherwise prohibited by Statute, shall announce his/her vote openly and individually in favour of or against the question. The Clerk shall record each member's vote as having voted "Yes" or "No" and each members surname shall be noted in the minutes. The order in which the clerk shall record the vote shall be in random order, until all members have voted. After completion of the vote, the Clerk shall announce the results. If during the roll call vote, any member present refuses to vote or fails to vote, he/she shall be deemed and recorded as voting against the question.

19.14 When a Recorded Vote is taken, the names of those who voted for and against the Motion shall be entered in the Minutes.

19.15 In any vote required of the Whole Council, the number of members constituting the Council shall be determined by excluding:

- a) the number of members who are present at the Meeting but who are excluded by voting by reasons of The Municipal Conflict of Interest Act;
- b) the number of seats that are vacant on the Council by reasons of Section 259 of The Municipal Act.

19.16 Negative Vote: Any question on which there is an equality of votes, shall be deemed to negative and is defeated.

19.17 Every member of council present at a Council Meeting when a question is put, shall vote thereon, except where is prohibited by statute from voting or disqualified to vote by reason on a conflict of interest, or is absent from the Council Chambers, when the question is put.

19.18 A failure by a member to vote, who is present and qualified at the meeting at the time of the vote and who is qualified to vote, shall be deemed to be a negative vote.

20) RECONSIDERATION:

20.1 A Motion to reconsider a decided matter shall only be introduced by a Member who voted with the majority on the original Motion. Before accepting a Motion to reconsider, the Mayor may ask the Member to confirm that he voted with the majority on the issue in question.

20.2 A Motion to reconsider a decided matter shall require the approval of at least two-thirds of the Whole Council.

20.3 No Motion for reconsideration of any decided matter shall be permitted more than once during a period of twelve months following the date on which the question was decided.

20.4 If a Motion to reconsider is decided in the affirmative at a Meeting, then consideration of the original matter shall become the next order of business.

20.5 No debate on a Motion to reconsider a decided matter shall be permitted; however, the Mover of a Motion to reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such reconsideration.

21) ENACTMENT OF BY-LAWS

- 21.1 The Clerk shall specify the title of all the By-Laws to be introduced. Every By-Law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any Act and shall be complete with the exception of the number and date thereof.
- 21.2 Every By-law shall receive three readings before being passed.
- 21.3 The first reading of a By-law shall be decided without amendment or debate.
- 21.4 By-Law may be given all three readings at the same Meeting, except when requested otherwise by motion passed by the majority of the members present or as otherwise provided in law.
- 21.5 By-Laws may, by a majority vote of the members present, be referred to the Council-in-Committee or a Communications Meeting for consideration, prior to third reading of a By-law.
- 21.5 By-Laws may, by a majority vote of the members present, be referred to the Council-in-Committee or a Communications Meeting for consideration, prior to third reading of a By-law.
- 21.6 When By-Laws have been referred to the Council-in-Committee or a Communications Meeting, its recommendations shall be put to a vote immediately following the adoption of the Council-in-Committee Report.
- 21.7 Every By-Law enacted by the Council shall be numbered and dated, and shall be, sealed with the seal of the Corporation, and signed by the Mayor and the Clerk and shall be deposited in the vault by the Clerk for safekeeping.

22) COUNCIL-IN-COMMITTEE IN CLOSED SESSION

- 22.1 Whenever a majority of the members present decide that the Council should resolve into a Closed Session of the Council-in-Committee, the Mayor as Chair shall maintain order during the Meeting and shall report the proceedings thereof to the Council.
- 22.2 All "Closed Session" items of Council shall be discussed in Meetings of the Council-in-Committee.
- 22.3 The rules governing the procedure of the Council and the conduct of its members shall be observed in the Closed Session of the Council-in-Committee with necessary modifications except that:
- a) The number of times of speaking on any question shall not be limited;
 - b) No Recorded Vote shall be permitted;
 - c) A Motion to put the question shall not be permitted;
 - d) A Motion to adjourn shall not be permitted, except when meeting apart from Regular Meetings.
 - e) Any direction to staff or an agent at a closed meeting be included in a resolution, duly moved and seconded, and passed by a majority of the members present.
- 22.4 The Minutes of the closed session will be recorded as outlined in Section 11.2 of this By-law.
- 22.5 Any actions of the Closed Session of the Council-in-Committee Meeting shall be reported by the Mayor as soon as the Regular Council Meeting reconvenes into Open Session.

23) COMMITTEES

- 23.1 Procedure:
A committee will conform to the rules governing protocol and procedures for Council-in-Committee meetings, unless noted otherwise in this Part.
- 23.2 Establishment-Appointment:
- a) Council establishes Local Boards and Council Committees to help support their work. Some are discretionary and others are mandatory as required by legislation.
 - b) The names of members required to serve on the Council Committees, Boards, Commissions or other bodies to which Council is required or

empowered to appoint persons, will be determined by Council in an inaugural, regular or special meeting.

- c) Council may appoint members to any Local Boards or Council Committees to act in the place of any members thereof who, by reason of illness or absence from the Municipality, are unable to attend the meetings of the Council Committees or who resign before their terms of office have expired.

23.3 Local Boards:

Local Boards are appointed by Council by By-Law and/or Statute to fulfill their obligations under the same.

23.4 Standing Committees:

Standing Committees of Council are committees that consist of at least 50% of the membership consisting of members of Council, which are appointed by Council under Statute or By-law.

23.5 Council Advisory and Program Committees:

The duties of Advisory Committees, which may be created by Council, shall be to report and to make recommendations to Council on all matters relating to their terms of reference or that have been referred to them. Advisory Committees will generally have one representative appointed from Council.

23.6 Special Purpose Committees:

The duties of Special Purpose Committees, appointed by the Mayor and confirmed by Council By-Law or Resolution, shall report to Council on any matters relating to their terms of reference or that have been referred to them.

23.7 Mayor-Ex-officio:

The Mayor is an ex-officio member of every Council Committee. Where a Council Committee is established by reference to a particular number of members without specifically providing for the membership of the Mayor, such number is automatically increased by one, being the Mayor, as provided under this Section.

The Mayor may vote and otherwise participate without any restriction in the business of the committee on the same basis as any other committee member.

23.8 Terms of Reference:

Subject to the provision of any general or special Act, the Council, in establishing any Council Committee, will set forth terms of reference and such other provisions as the Council deems proper.

Council may consider any matter without referring it to a Council Committee or may refer it to one or more committees or refer it to the Committee-in-Council or

Committee-of-the- Whole Meeting, and may withdraw a matter from a Council Committee whether or not the Council Committee has entered into consideration.

23.9 Quorum:

A majority of the members of a Local Board or Council Committee shall be a quorum. The Mayor is a member to be included in determining the quorum.

23.10 Committee Chair:

Annually, each committee at its first meeting will appoint a Committee Chair and Committee Vice-Chair from among its members. Each committee will have the authority to alter the time of its meetings and to hold special meetings so that where possible it will not conflict with meetings of Council.

23.11 Attendance:

Members of Council may attend meetings of any Advisory Committee of which they are not members, but shall not have the privilege of voting and may not address the Committee without the permission of the Chair.

23.12 Notice and Agendas of Committee Meetings: Notwithstanding the provisions of Section 7 of this By-law, the published Agenda shall be considered as adequate notice for its Council Committees, and shall be circulated not later than forty-eight (48) hours prior to the meeting. The complete paperless agenda package will be available not less than forty-eight (48) hours prior to the meeting, by email to committee member, each municipal council member, and posted on the Municipal public website.

23.13 Emergency or Extraordinary Meeting: A meeting dealing directly with an emergency or extraordinary situation shall be transacted as the Emergency Meeting. Notice shall be delivered to the Committee Members and Council Members and posted on the Municipal Website not later than 2 (2) hours prior to the meeting.

23.14 Minutes:

The Minutes of all Council Committees shall be recorded according to the process set out in Section 11.2 forwarded to Council to be received as information. The Clerk or an appropriate officer will be the recording secretary for all Standing Committees of Council. Section 228 (4) of the Municipal Act. The Clerk may delegate in writing to any person, other than a member of council.

24) DISCLOSURES OF PECUNIARY INTEREST

- 24.1 If a Member or Council Committee member has any pecuniary interest, direct or indirect, in any matter in which the Council is concerned and if he/she is present at a Meeting at which the matter is the subject of consideration, he/she shall disclose his/her interest and the general nature thereof and shall not take part in the consideration or the discussion of the matter nor vote on any Motion in regard to the matter. He/She shall leave his/her chair and may sit in the gallery for an Open session of Council and shall leave the council room for a "Closed session of Council. If a Member is not present and has any pecuniary interest, he/she shall disclose his/her interest at the next meeting in attendance.
- 24.2 Notwithstanding the quorum requirements of this By-law, when a majority of the members has disclosed an interest in accordance with Section 24 .1 of this By-Law and the Municipal Conflict of Interest Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

25) CONFIRMATORY BY-LAW

- 25.1 The proceedings at every Regular and Special Meeting shall be confirmed by By-Law so that every decision of the Council at that Meeting and every Resolution passed thereat shall have the same force and effect as if each and every one of them had been the subject matter of a separate By-Law duly enacted.

26) QUESTION PERIOD

- 26.1 Question period may be available to ask questions of Council regarding any items relevant to the business discussed during the meeting. No new matters of business may be brought up, nor is there to be debate or restating of positions during the question period. Question period is at the discretion of council.
- 26.2 Question period shall be limited to a total time allotment of ten (10) minutes.

27) TRAINING OF MEMBERS OF COUNCIL:

- 27.1 The Municipality will support the attendance of each member of council at one (1) convention per year.
- 27.2 Attendance at Public meetings, training meetings, workshops and the annual Huron County Municipal Officers meeting will be encouraged.
- 27.3 A motion of Council is required for Item 27.1 and 27.2.

28) RECORDING EQUIPMENT:

- 28.1 At the meetings of Council or a Committee, the use of cameras, electric lighting equipment, flash bulbs, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by the members of the public, including accredited and other representatives of any news whatsoever, may be permitted and shall be subject to the approval of the Council and/or direction of the Mayor or Committee Chair, unless otherwise decided by the Council or a Committee, prior to the Call to order of the meeting.

29) COMMUNICATION DEVICES:

- 29.1 At the meetings of Council, the use of cellular phones, audible pagers or any other similar communication device is only permitted in the gallery section of the Council Chambers.
- 29.2 All members of council shall turn off or turn on vibrate mode all electronic devices and shall not operate such devices at the council table, during a meeting, except for the device required for Council use during the meeting.

30) SUSPENSION OF RULES:

Any procedure required by this by-law may be suspended with the consent of a majority of the members of Council in attendance.

31) REPEAL

- 31.1 Morris Turnberry By-Law No. 48-2014 and any amendments are hereby repealed in their entirety.

32) ENACTMENT

32.1 The effective date of this By-law shall be the 4th of April , 2017.

Read a First and Second Time and Passed on the 4th day of April , 2017

Read a Third Time and Finally Passed on 4th day of April , 2017



Paul Gowing , Mayor



Nancy Michie, Clerk

32) ENACTMENT

32.1 The effective date of this By-law shall be the 4th of April , 2017.

Read a First and Second Time and Passed on the 4th day of April , 2017

Read a Third Time and Finally Passed on 4th day of April , 2017

Paul Gowing , Mayor

Nancy Michie, Clerk

Schedule 'A' of By-law No. - 2017

Gifts and Benefits

Disclosure Sheet for the Members of Council

<u>Description of Gift or Benefit</u>	<u>Giftor</u>	<u>Recipient</u>	<u>Value</u>
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Signature of Council Member

Dated